

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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DATE FILED: 9/27/18

KIPLING APPAREL CORP.,

Plaintiff,

v.

BOADING BAIGOU XINCHENG YOUNUO TRADING CO., LTD, Shenzhen XinYu Innovation Technology Ltd., TRAVISTAR, TINY CHOU, Shenzhen Fancier Industrial Co., Ltd. (d/b/a Fansela), Bagtopia, KESEE, Melord, Baisite Mall, Degohome, ITESoon, Big Mango, CHUANGLI, Cloth Shake, Dijinghao Shop a/k/a DJHbuy, Eaglebeky, Ecolaki, Edfamily, GuiShi E-commerce Co., Ltd, Hynbase, YOUDE, MiCoolker, Emily Boutique, The World of Queenie Wong a/k/a Queenie, Shop D'Oro, TianHengYi, YallFairy/YallFF, Noel Pullman, NANRUI Trading, Honesty & Reliable store, and Asm's Bag Store, John and Jane Does, AND XYZ COMPANIES,

Defendants.

CASE NO. 18-cv-8333 (ALC)

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTION AGAINST DEFENDANTS  
BOADING BAIGOU XINCHENG  
YOUNUO TRADING CO., LTD,  
TRAVISTAR, Baisite Mall, Degohome,  
Cloth Shake, Eaglebeky, Ecolaki, Hynbase,  
YOUDE, MiCoolker, The World of Queenie  
Wong a/k/a Queenie, Shop D'Oro,  
YallFairy/YallFF**

On September 13, 2018, Plaintiff Kipling Apparel Corp. ("Kipling" or "Plaintiff") filed this action against the Defendants claiming Federal trade dress and trademark infringement, unfair competition, and unlawful deceptive acts and practices under New York law, and that it would suffer irreparable injury resulting from infringement of its Kipling Trade Dress and Kipling Logo Marks (as defined herein and collectively, the "Marks") if Defendants were not enjoined from selling goods infringing those Marks. [Doc. #1]. Kipling also sought (1) a Temporary Restraining Order; (2) expedited discovery; and (3) service by electronic mail. [Doc. #11.] The Court granted Kipling's request on September 14, 2018 and, *inter alia*, ordered Defendants to show cause on or before September 24, 2018, why an order should not be entered

granting Plaintiff a preliminary injunction. [Doc. #7]. The Court's order also gave notice to Defendants that "failure to attend the hearing scheduled herein may result in the immediate issuance of the prayed-for Preliminary Injunction to take effect immediately upon expiration or dissolution of the . . . Temporary Restraining Order . . . ." [*Id.*] Finally, the Order further noted that "they shall be deemed to have actual notice of the issuance and terms of such Preliminary Injunction and any act by them or any one of them in violation of the terms thereof may be considered and prosecuted as contempt of this Court." [*Id.*]

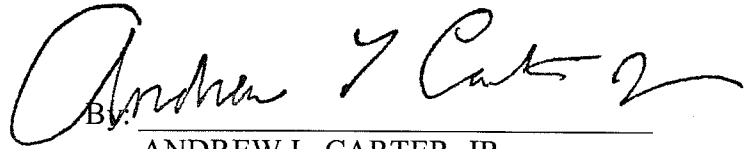
On September 17, 2018, Plaintiff filed Proof of Service of the Verified Complaint, Summons, Motion for Temporary Restraining Order ("TRO"), Order Granting Service by Email and Order To Show Cause For Preliminary Injunction, Memorandum of Law in Support of Motion for TRO and Holmes, Serrano, and Kayser Declarations in Support Thereof, and the court's 9/14/18 Order, and all exhibits thereto on the following Defendants: Boading Baigou Xincheng Younuo Trading Co., Ltd., TRAVISTAR, Baisite Mall, Degohome, Cloth Shake, Eaglebeky, Ecolaki, Hynbase, YOUDE, MiCoolker, The World of Queenie Wong a/k/a Queenie, Shop D'Oro, YallFairy/YallFF, (hereinafter, the "Enjoined Defendants" or "Defendants"). [Doc. #9]. None of the Enjoined Defendants filed any formal response or objection to the Verified Complaint or Motion. None of the Enjoined Defendants appeared at the September 24, 2018 show cause hearing.

Based on the Enjoined Defendants' failure to appear at the September 24, 2018 hearing or otherwise comply with the Court's orders, the Court finds that it is appropriate and necessary to issue a preliminary injunction. Accordingly, IT IS HEREBY ORDERED that the temporary restraining order issued on September 14, 2018 shall be converted to a preliminary injunction that includes all the same terms listed in that Order.

In addition, as discussed at the September 24, 2018 conference, Plaintiffs are ordered to file a status report on or before November 16, 2018 regarding the status of service of the remaining Defendants.

SO ORDERED.

Dated: September 27, 2018

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written over a horizontal line.

ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE